

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:99-MJ-210-BR

UNITED STATES OF AMERICA

v.

SHEROD H. MAIR

ORDER

This matter is before the court on respondent's letters filed 14 January and 1 February 2019. (DE ## 149, 151.)

In the first letter, respondent requests that the court pardon him. The court notes that respondent has been committed to the custody of the Attorney General pursuant to 18 U.S.C. § 4243 after having been found not guilty only by reason of insanity at the time of the offense charged, and therefore, respondent has not been convicted of an offense for which he might be pardoned. Even so, this court is without authority to grant pardons. Only the President has that power. See U.S. Const. art. II, § 2, cl. 1 ("[The President] shall have Power to grant Reprieves and Pardons for Offenses against the United States except in Cases of Impeachment.").

In the second letter, respondent claims he "need[s] another attorney" because counsel did nothing to assist respondent when he was "molested" by guards at another federal facility. (DE # 151.) Respondent is currently represented by the Office of the Federal Public Defender. The Office of the Federal Public Defender has an expertise in this area, defending the majority of persons appearing before this court for 18 U.S.C. § 4243 proceedings. Of course, respondent has the right to have individual counsel represent him. Should respondent retain private counsel and

such counsel file a notice of appearance in this matter, the court will entertain another motion relating to the withdrawal of court-appointed counsel.

For the foregoing reasons, to the extent respondent's letters could be deemed motions, they are DENIED.

This 17 April 2019.



W. Earl Britt
Senior U.S. District Judge